



January 14, 2010

RE: SB 94, Senate Agriculture, Livestock and Irrigation Committee

EXHIBIT NO. 2
DATE 1/15/13
BILL NO. 94

Chairman Brown and members of the of the Committee,

My name is Jim Carlson. I am here representing the City and County of Missoula as an employee of the Missoula City-County Health Department. I have been a registered Sanitarian in the State of Montana for 37 years and have been involved in the investigation of many food and water borne outbreaks of disease in Missoula County including salmonella, giardia, cryptosporidium, infantile botulism, hemolytic e-coli, staph food poisoning, accidental chemical poisoning, norovirus and others. We are in opposition to Senate Bill 94 for the following reasons:

1. As written, the bill would legalize the exchange or distribution of home canned foods which have a high potential for causing botulism food poisoning. The botulism organism is found everywhere in soil and produces nerve toxin when in an anaerobic environment such as improperly canned beans, peas or even tomatoes. The nerve toxin is often deadly when eaten. More than 90% of the cases of botulism in the United States occur from home canned food sources. Some of the very first food manufacturing laws in the United States were written to avoid unnecessary deaths from Botulism. Yes, a careful, methodical person following proper procedure using the proper equipment can produce safe wholesome home canned foods. But, if he or she forgets the tablespoon of vinegar in one jar or is using a pressure canner with a faulty seal or at high altitude, botulism toxin may develop. That is why these foods should be canned in a commercial environment with multiple safety factors in place.
2. As written, the bill would legalize the exchange or distribution of home dried fruits and vegetables. According to the CDC fruits and vegetables are now responsible for more large scale outbreaks of food borne illness than meat, poultry or eggs. Slicing and drying high moisture fruits can create conditions that are conducive to the growth of bacteria. If the drying of these items occurs at too low of a temperature the food drier becomes a bacteria incubator. Organisms such as salmonella, listeria, bacillus cereus, and campylobacter can all grow and in the warm wet conditions of an under-temperature food drier. Again, to be reasonably safe these types of food should be produced in a commercial food processing plant with appropriate equipment and controls.
3. The first line of the amendments would exclude "people who gather to exchange" these dried or canned foods from licensure and regulation has the effect of making these foods unregulated. Please note that any market or transaction can be considered a place where "people gather to exchange" these items. The term exchange can refer to barter but can also refer to the exchange of money. It is important to remember that the current law would not require "a private organization serving food only to its members" to have a license or be regulated. However this bill as drafted would allow for distribution of these potentially hazardous foods to the public without the necessary safeguards of a regulated manufacturing process and facility. Sanitarians are trained to insure that the public food supplies are safe from toxins and disease causing organisms. We would be irresponsible if we did not oppose this bill. It is unsafe legislation and it should not be supported.